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MEMO ENDORSED

April 29, 2008

BY FAX TO (212)805-7930

Hon. James C. Francis IV
United States Magistrate Judge
United States District Court
500 Pearl Street, Room 1960
New York, NY 10007-1312

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/8/08

LEAD CASE
04 CIV 7922
(RJS) (JCF)

DOCKET
IN BOTH
CASES

Re: Adams, et al. v. City of New York, et al., 05 Civ. 9484 (RJS)(JCF)
Araneda, et al. v. The City of New York, et al., 05 CV 9738 (RJS)(JCF)

Dear Judge Francis:

I write to request reconsideration pursuant to Local Rule 6.3 of that part of the April 15, 2008 orders in the above-referenced cases which required certain plaintiffs to appear for continued depositions concerning their non-RNC arrest records. The arrests were not demonstration-related. The plaintiffs' emotional distress damages claims had already been dismissed for failure to produce releases concerning mental health information. Attached hereto as Exhibit A are Your Honor's prior Memo Endorsed orders regarding the identical issue in Sloan, et al. v. City of New York, et al., 05 Civ. 7668 (RJS)(JCF), and Phillips, et al. v. City of New York, et al., 05 Civ. 7624 (RJS)(JCF).


Adams: By an Order dated April 15, 2008 (at ¶ 1) the Court dismissed the emotional distress damages claims of plaintiffs Christopher Benson and Ryan Duxtader for failure to produce releases for mental health records. At ¶ 4 of the same Order, the Court required the two plaintiffs to be available for continued depositions concerning their non-RNC arrest records. The arrest records concern arrests which were not demonstration-related. The Adams Order is attached as Exhibit B.

Araneda: By an Order dated April 15, 2008 (at ¶ 1) the Court dismissed the emotional distress damages claims of plaintiff David Segal for failure to produce releases for mental health records. At ¶ 3 of the same Order, the Court required plaintiff Segal to be available for a continued deposition concerning his non-RNC arrest records. The arrest records concern arrests which were not demonstration-related. The Araneda Order is attached as Exhibit C.

In light of the Court's dismissal of the three plaintiffs' emotional distress claims, their

non-RNC arrests are in longer relevant. Plaintiffs Benson, Duxtader and Segal request that the Court reconsider and modify the April 15, 2008 orders entered in the above-referenced cases to the extent that the three plaintiffs not be required to appear for continued depositions. 11

Respectfully submitted,



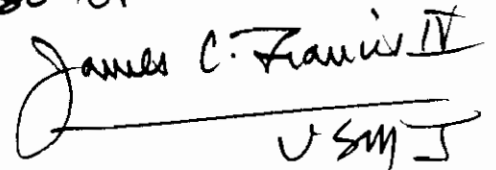
Michael L. Spiegel

cc: A.C.C. Jeffrey A. Dougherty (by fax)
A.C.C. Alexis Leist (by fax)

5/8/08

Application granted. Plaintiffs' counsel correctly points out an inconsistency in my April 15, 2008 Order and provides new information that the arrests at issue were not demonstration-related.

SO ORDERED.


JSM/J